

Surface Transportation Board, DOT

§ 1133.2

§ 1133.2 Statement of claimed damages based on Board findings.

(a) When the Board finds that damages are due, but that the amount cannot be ascertained upon the record before it, the complainant should immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with the following form:

Claim of \_\_\_\_\_ under decision of the Surface Transportation Board in Docket No. \_\_\_\_\_.

- \_\_\_\_\_ Date of shipment.
- \_\_\_\_\_ Date of delivery or tender of delivery.
- \_\_\_\_\_ Date charges were paid.
- \_\_\_\_\_ Car (or vessel) initials.
- \_\_\_\_\_ Car (or voyage) number.
- \_\_\_\_\_ Origin.
- \_\_\_\_\_ Destination.
- \_\_\_\_\_ Route.
- \_\_\_\_\_ Commodity.
- \_\_\_\_\_ Weight.
- \_\_\_\_\_ Rate.
- \_\_\_\_\_ Amount.
- \_\_\_\_\_ Rate.
- \_\_\_\_\_ Amount.
- \_\_\_\_\_ Reparation on basis of Board's decision.
- \_\_\_\_\_ Charges paid by.<sup>1</sup>

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the Board by or on behalf of claimant or, so far as claimant knows, by or on behalf of any person, in any other proceedings, except as follows: (Here indicate any exceptions, and explanation thereof).

\_\_\_\_\_  
(Claimant)  
By \_\_\_\_\_  
(Practitioner)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(Date)

Total amount of reparation \$ \_\_\_\_\_. The undersigned hereby certifies that this statement has been checked against the records of this company and found correct.

<sup>1</sup>Here insert name of person paying charges in the first instance, and state whether as consignor, consignee, or in what other capacity.

Date \_\_\_\_\_ Concurred<sup>2</sup> in: \_\_\_\_\_ Company  
\_\_\_\_\_ Company, Defendant Collecting Carrier, Defendant<sup>3</sup>.  
By \_\_\_\_\_, Auditor. By \_\_\_\_\_, Auditor.

(b) The statement should not include any shipment not covered by the Board's findings, or any shipment on which complaint was not filed with the Board within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments moved over more than one route, a separate statement should be prepared for each route, and separately numbered, except that shipments as to which the collecting carrier is in each instance the same may be listed in a single statement if grouped according to routes. The statement, together with the paid freight bills on the shipments, or true copies thereof, should then be forwarded to the carrier which collected the charges, for verification and certification as to its accuracy. If the statement is not forwarded immediately to the collecting carrier for certification, a letter request from defendants that forwarding be expedited will be considered to the end that steps be taken to have the statement forwarded immediately. All discrepancies, duplications, or other errors in the statements should be adjusted by the parties and corrected agreed statements submitted to the Board. The certificate must be signed in ink by a general accounting officer of the carrier and should cover all of the information shown in the statement. If the carrier which collected the charges is not a defendant in the case, its certificate must be concurred in by like signature on behalf of a carrier defendant. Statements so prepared and certified shall be filed with the Board whereupon it will consider entry of a decision awarding damages.

[47 FR 49575, Nov. 1, 1982, as amended at 64 FR 53268, Oct. 1, 1999]

<sup>2</sup>For concurring certificate in case collecting carrier is not a defendant.

<sup>3</sup>If not a defendant, strike out the word "defendant."